

## The Gazette



## of India

PUBLISHED BY AUTHORITY

No. 31] NEW DELHI, SATURDAY, AUGUST 1, 1953

## NOTICE

The undermentioned Gazettes of India Extraordinary were published upto the 25th July 1953 :—

Issue No.	No. and date	Issued by	Subject
189	S. R. O. 1423, dated the 4th July 1953.	Election Commission, India.	Election Petition No. 68 of 1952.
190	S. R. O. 1424, dated the 20th July 1953.	Ministry of Commerce and Industry.	Proposal by the Central Government to make certain amendments to the Registration and Licensing of Industrial Undertakings Rules, 1952.
191	S. R. O. 1425, dated the 16th July 1953.	Ditto.	Exclusion of certain classes of contracts relating to Indian cotton from the operation of clause 4 of the Cotton Control Order, 1950.
	S. R. O. 1426, dated the 16th July 1953.	Ditto.	Maximum and minimum prices of Indian Cotton for the season 1953-54 shall be as provided in the Notification No. S.R.O. 1785, dated 23rd October 1952.
191A	S. R. O. 1426-A, dated the 20th July 1953.	Election Commission, India.	Designation of the Deputy Collector, Central Division, Bhuj, to be the returning Officer for the "Mundra" Council of States constituency in the State of Kutch.
	S. R. O. 1426-B, dated the 20th July 1953.	Ditto.	Amendment made in the Notification No. 62/23/51-Elec. II (4), dated the 22nd November 1951.
192	S. R. O. 1427, dated the 6th July 1953.	Ditto.	Election Petition No. 132 of 1952.
	S. R. O. 1428, dated the 6th July 1953.	Ditto.	Election Petition No. 229 of 1952.
192A	S. R. O. 1428-A, dated the 21st July 1953.	Ministry of Communications	Amendment to be made in the Ministry of Communications No. 9-CAG (18)/53 dated the 12th June 1953.

Issue No.	No. and date	Issued by	Subject
193	S. R. O. 1423, dated the 22nd July 1953.	Election Commission, India.	The Election Commission calls upon the Mundra Council of States Constituency to elect a person to fill a vacancy before the 1st October, 1953.
	S. R. O. 1430, dated the 22nd July 1953.	Ditto.	Appointment of dates with respect to election to be held in the Mundra Council of States Constituency.
194	S. R. O. 1455, dated the 23rd July 1953.	Ministry of Home Affairs.	Authorizing Police Officers of the Delhi Special Police Establishment to exercise powers under section 5 of Abducted Persons (Recovery and Restoration) Act LXXVII of 1952.
195	S. R. O. 1456, dated the 7th July 1953.	Election Commission, India.	Election Petition No. 300 of 1952.
	S. R. O. 1457, dated the 7th July 1953.	Ditto.	Election Petition No. 2 of 1952.
196	S. R. O. 1458, dated the 8th July 1953.	Ditto.	Election Petition No. 128 of 1952.

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

### PART II—Section 3

#### Statutory Rules and Orders issued by the Ministries of the Government of India (other than the Ministry of Defence) and Central Authorities (other than the Chief Commissioners).

#### ELECTION COMMISSION, INDIA

New Delhi, the 23rd July 1953

**S.R.O. 1469.**—In exercise of the powers conferred by sub-section (1) of section 22 of the Representation of the People Act, 1950 (XLIII of 1950), the Election Commission, in consultation with the Government of Saurashtra, hereby makes the following amendment in its notification No. 102/15/51-Elec.II(1), dated the 5th September, 1951, namely:—

#### "Amendment

In the table appended to the said notification, for the entry in column 2 relating to the Gohilwad-Sorath Parliamentary Constituency, the entry 'District Industries and Supply Officer, Sorath District' shall be substituted".

[No. 157/15/53(1)/12276.]

By Order,  
P. N. SHINGHAL, Secy.

#### MINISTRY OF HOME AFFAIRS

New Delhi, the 24th July 1953

**S.R.O. 1470.**—In pursuance of clause (b) of sub-section (2) of section 508A of the Code of Criminal Procedure, 1898 (Act V of 1898), the Central Government hereby specifies the following Judges and Magistrates in the Union of Burma by

whom, commissions for examination of witnesses residing in India may be issued, namely:—

- (a) a Sessions Judge, an Additional Sessions Judge and a Special Judge appointed under the Special Investigation Administrative Board and Bureau of Special Investigation Act, 1951 (Burma Act No. 50 of 1951); and
- (b) any Magistrate through the District Magistrate to whom he is subordinate.

[No. 67/51-Judicial.]

**S.R.O. 1471.**—Whereas arrangements have been made with the Government of Burma for taking the evidence of witnesses residing in the Union of Burma in relation to criminal matters in courts in India, the Central Government in pursuance of sub-section (3) of section 504 of the Code of Criminal Procedure, 1898 (Act V of 1898), hereby directs that commissions from courts in India for examination of witnesses in the Union of Burma shall be issued, in the form annexed hereto to the Court of any District Magistrate in the Union of Burma within the local limits of whose jurisdiction the witness resides, and the District Magistrate concerned may himself examine the witness, or direct any Magistrate of the first class subordinate to him to examine such witness.

#### ANNEXURE

In the Court of

Commission to examine witness outside India [Section 504(3) of the Code of Criminal Procedure Code, 1895].

To

Whereas it appears to me that the evidence of \_\_\_\_\_ is necessary for the ends of justice in case No. \_\_\_\_\_ Vs. \_\_\_\_\_ in the Court of \_\_\_\_\_ and that such witness is residing within the local limits of your jurisdiction and his attendance cannot be procured without an amount of unreasonable delay expense or inconvenience, I \_\_\_\_\_ have the honour to request and do hereby request that for the reasons aforesaid and for the assistance of the said Court you will be pleased to summon the said witness to attend at such time and place as you shall appoint and that you will cause such witness to be examined upon the interrogatories which accompany this commission (for *viva voce*).

Any party to the proceeding may appear before you by Pleader, or, if not in custody, in person, and may examine cross examine, or re-examine (as the case may be) the said witness.

And I further have the honour to request that you will be pleased to cause the answers of the said witness to be reduced into writing and all books, letters, papers and documents produced upon such examination to be duly marked for identification and that you will be further pleased to authenticate such examination by your official seal (if any) and by your signature and to return the same together with this commission to the undersigned through.....

Given under my hand and the seal of the Court this day of .....19 ..

Judge  
District Magistrate  
Presidency Magistrate

[No. 67/51-Judicial.I.]

N. SAHGAL, Dy. Secy.

#### MINISTRY OF EXTERNAL AFFAIRS

New Delhi, the 22nd July 1953

**S.R.O. 1472.**—In exercise of the powers conferred by sub-section (2) of section 24 of the Bengal Municipal Act, 1932 (Bengal Act XV of 1932) as extended to Chandernagore by the notification of the Government of India in the Ministry of

External Affairs No. 147-Eur.I, dated the 1st April, 1953, the Central Government hereby issues the following Order, namely;

**ORDER**

The first general election of Commissioners of the Municipality of Chandernagore under the Bengal Municipal Act, 1932 (Bengal Act XV of 1932), as extended to Chandernagore, wherein such election has not yet been held, shall be governed by the rules published with the notification of the Government of India in the Ministry of External Affairs No. 362-Eur.I, dated the 16th July, 1953.

[No. 376-Eur.I.]

E. GONSALVES, Under Secy.

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**MINISTRY OF STATES**

*New Delhi, the 28th July 1953*

**S.R.O. 1473.**—In pursuance of clause (1) of article 239 of the Constitution, the President hereby directs that the Chief Commissioner of the State of Bhopal shall, subject to the control of the President and until further orders, exercise the powers and discharge the functions of the State Government under sub-section (1) of section 71 of the Indian Partnership Act, 1932 (IX of 1932) within the State of Bhopal, in addition to the powers and functions already delegated to the said Chief Commissioner in the notification of the Government of India in the Ministry of States, No. 104-J, dated the 24th August 1950.

[No. 146-J.]

S. K. AYANGAR, Asstt. Secy.

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*New Delhi, the 28th July 1953*

**S.R.O. 1474.**—In exercise of the powers conferred by Entry 3(b) of the Table annexed to Schedule I to the Indian Arms Rules, 1951, the Central Government is pleased to specify Nawabzada Murtuza Ali Khan, a member of the family of the Ruler of Jaora for the purposes of that entry.

[No. 147-D.]

H. C. MAHINDROO, Under Secy.

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**MINISTRY OF FINANCE**  
(Department of Economic Affairs)

*New Delhi, the 28th July 1953*

**S.R.O. 1475.**—In exercise of the powers conferred by section 28 of the Public Debt Act, 1944 (XVIII of 1944) the Central Government hereby directs that the following further amendment shall be made in the Public Debt Rules, 1946, the same having been previously published as required by sub-section (1) of the said section, namely:—

In item (1) of clause (b) of sub-rule (4) of rule 12 of the said Rules for the words "two years" the words "six months" shall be substituted.

[No. F.8(11)-B/53.]

H. S. NEGI, Dy. Secy.

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*New Delhi, the 1st August 1953*

**S.R.O. 1476.**—Whereas on a report made by the Controller of Insurance in this behalf, it appears to the Central Government that the purpose of the Order of the Government of India in the Ministry of Finance No. 35-I.D.(1)/50.11.I.F. (Insurance), dated the 26th March, 1952, appointing Shri P. K. Ghose, M.Sc., F.I.A., Actuary, 7, Chowringhee Road, Calcutta-13, as Administrator of the National Mercantile Insurance Company (India) Limited, has been fulfilled.

Now, therefore, in exercise of the powers conferred by section 52D of the Insurance Act, 1938 (IV of 1938), the Central Government hereby directs that the said order shall stand cancelled with effect from the 31st July, 1953 and the management of the Insurance business of the said company shall continue to

est in the National Insurance Company Ltd., Calcutta to which the business of the said company has been transferred by an order made under sub-section (2) of section 52B of the said Act.

[No. 11-IF(1)/53.]

B. K. KAUL, Dy. Secy.

## RESERVE BANK OF INDIA

### Central Office

*Bombay, the 21st July 1953*

**S.R.O. 1477.**—In pursuance of the notification of the Government of India in the Finance Department No. 12(13)-FI/47, dated the 25th March, 1947, the Reserve Bank hereby directs that the following amendment shall be made in the notification of the Reserve Bank of India No. F.E.R.A.10/47-RB, dated the 25th March, 1947, namely:—

In the Schedule to the said notification, after the entry "Bank of Tokyo Ltd." the entry "Canara Bank Ltd." shall be inserted.

[No. F.E.R.A.118/53-RB.]

B. RAMA RAU, Governor.

## MINISTRY OF COMMERCE AND INDUSTRY

### ORDER

*New Delhi, the 24th July 1953*

**S.R.O. 1478.**—Whereas the Central Government is of the opinion that in respect of the industrial undertaking known as Lalbhai Tricumlal Mills Limited, Ahmedabad, there is likely to be a substantial fall in the volume of cotton textiles manufactured or produced in the said industrial undertaking for which, having regard to the economic conditions prevailing, there is no justification;

And, whereas, the Central Government is further of the opinion that the said industrial undertaking is being managed in a manner likely to cause serious injury or damage to the interests of consumers or a substantial body thereof for whom the cotton textiles manufactured in the industrial undertaking are intended.

Now, therefore, in exercise of the powers conferred by section 15 of the Industries (Development and Regulation) Act, 1951 (LXV of 1951), the Central Government hereby appoints Shri N. M. Mukerjee, Director of Production, Office of the Textile Commissioner, Bombay, for the purpose of making a full and complete investigation into the circumstances of the case.

[File No. 14(11)-CT(A)/52.]

*New Delhi, the 25th July 1953*

**S.R.O. 1479.**—In exercise of the powers conferred by clause (e) of sub-section (2) of section 5 of the Khadi and Other Handloom Industries Development (Additional Excise Duty on Cloth) Act, 1953 (XII of 1953), the Central Government hereby makes the following rule:—

All varieties of cloth which are for the time being exempted from the duty of excise levied thereon under the Central Excises and Salt Act, 1944 (I of 1944), shall be exempt from the additional excise duty leviable thereon under the Khadi and Other Handloom Industries Development (Additional Excise Duty on Cloth) Act, 1953.

[No. 48(25)-CT(A)/53.]

**S.R.O. 1480.**—In exercise of the powers conferred by section 5 of the Khadi and Other Handloom Industries Development (Additional Excise Duty on Cloth) Act, 1953 (XII of 1953), the Central Government hereby directs that the provisions of the Central Excise Rules, 1944, shall, so far as may be, apply in relation to the collection of the additional excise duty levied on cloth under the said Act as they apply in relation to the collection of the excise duty levied on cloth under the Central Excises and Salt Act, 1944 (I of 1944).

[No. 48(25)-CT(A)/53.]

P. GOVINDAN NAIR, Joint Secy.

## (CENTRAL TEA BOARD)

*New Delhi, the 25th July 1953*

**S.R.O. 1481.**—In exercise of the powers conferred by sub-section (h) of clause (ii) of sub-section (3) read with sub-sections (4) and (5) of section 4 of the Central Tea Board Act, 1949 (XIII of 1949), the Central Government hereby notifies that Sardar Gurbhajn Singh Mann of Dharmsala Tea Estate, Dharmsala, Punjab has been re-nominated by the Government of Punjab with effect from the 17th June, 1953, as a member of the Central Tea Board for a term ending with the date on which the Tea Board is established and constituted under the Tea Act, 1953 (XXIX of 1953).

[No. 94(1)-Plant/52.]

S. G. RAMACHANDRAN, Dy. Secy.

*New Delhi, the 28th July 1953*

**S.R.O. 1482.**—In exercise of the powers conferred by sub-section (3) of section 1 of the Indian Power Alcohol Act, 1948 (XXII of 1948), the Central Government hereby specifies the 3rd day of August 1953, as the date on which the said Act shall come into force in Samrala in the District of Ludhiana in the State of Punjab.

[No. 48(22)/50-Ind(B).]

A. S. BHATNAGAR, Under Secy.

## (RUBBER CONTROL)

*New Delhi, the 28th July 1953*

**S.R.O. 1483.**—In exercise of the powers conferred by sub-section (2) of section 5 of the Rubber (Production and Marketing) Act, 1947 (XXIV of 1947), and in partial modification of the Notification of the Government of India in the late Ministry of Industry and Supply No. 27(3)-I(VI)/50, dated the 14th August, 1950, the Central Government hereby nominate Sri B. K. Nair, Organiser, Indian National Trade Union Congress, Alleppey and President, Eastern Estate Workers Union, Vadaserikara, as a member of the Indian Rubber Board to represent labour vice Mr. K. V. Mathew, resigned.

[No. 23(5)-Plant/53.]

S. G. RAMACHANDRAN, Dy. Secy.

*New Delhi, the 1st August 1953*

**S.R.O. 1484.**—In exercise of the powers conferred by section 3 of the Drugs (Control) Act, 1950 (XXVI of 1950), the Central Government hereby directs that the following further amendments shall be made in the notification of the Government of India in the late Ministry of Industry and Supply No. 1(IV)/1-Drugs, dated the 3rd October 1949, namely:—

In the Schedule to the said notification to the entries under the heading "BRITISH DRUG HOUSES (INDIA) LTD.", the following entries shall be added, namely:—

"PENCILLIN EYE OINTMENT B.D.H.

Containing 2,000 i.u. per grm.

Tube of 3.5 grm.

PITUITARY (POSTERIOR LOBE) EXTRACT B.D.H.

Containing 10 units per ml.

Boxes of 6 x 1 ml. ampoules."

[No. 1-PC(2)/53.]

S. KRISHNASWAMI, Under Secy.

*New Delhi, the 1st August 1953*

**S.R.O. 1485.**—In exercise of the powers conferred by sub-section (1) of clause 5 of the Cotton Textiles (Export Control) Order, 1949, the Central Government hereby directs that the following further amendments shall be made in the Notifica-

tion of the Government of India in the late Ministry of Commerce No. 67-CW (23A)/48, dated the 26th March, 1949, namely:—

In paragraph 5 of the said notification,

(a) the words "Other than the Tex-mark" shall be deleted;

(b) for item (i) of the proviso the following shall be substituted, namely:—

"(i) The Tex-mark and distinguishing number to be marked shall be that only of the person carrying out the processing, and the Tex-mark and distinguishing number of the producer of the basic cloth or yarn shall not be marked".

[No. 46(34)-CT(A)/52-13.]

**S.R.O. 1486.**—In exercise of the powers conferred by section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), the Central Government hereby directs that the following further amendment shall be made in the Cotton Textiles (Control) Order, 1948, namely:—

In clause 21 of the said Order, for sub-clause (1) excluding the second proviso therein the following shall be substituted, namely:—

"21(1) No manufacturer of cloth shall pack cloth except as follows, namely:—

(i) full bales containing not less than 1450 yards and not more than 1550 yards; or

(ii) half bales containing not less than 700 yards and not more than 800 yards; or

(iii) quarter bales containing not less than 350 yards and not more than 400 yards.

Provided that the Textile Commissioner may, by general order, permit packing of specified quantities of cloth in the said full, half and quarter bales by reference to their weight instead of the yardage aforesaid."

[No. 9(4)-CT(A)/53-3.]

S. A. TECKCHANDANI, Under Secy.

## MINISTRY OF COMMUNICATIONS

### Posts and Telegraphs

New Delhi, the 23rd July 1953

**S.R.O. 1487.**—In exercise of the powers conferred by the Indian Post Office Act, 1898 (VI of 1898), the Central Government hereby directs that the following further amendments shall be made in the Indian Post Office Rules, 1933, namely:—

In rule 91 of the said Rules—

(1) in sub-rule (1)—

(a) the words "not being a parcel addressed to a prisoner of war or to an Information Bureau established for prisoners in a belligerent country or in a neutral country which has received belligerents in its territory or to a belligerent interned in a neutral country" shall be omitted.

(b) the following proviso shall be added at the end, namely:—

"Provided that no compensation shall be paid in respect of a parcel sent by or addressed to—

(1) a prisoner of war either directly or through a National Information Bureau or a Central Information Agency referred to in the Geneva Convention of the 12th August, 1949, relative to the treatment of prisoners of war;

(2) a belligerent received and interned in a neutral country;

(3) a civilian internee as defined in the Geneva Convention of the 12th August, 1949, relative to the protection of civilian persons in time of war, either directly or through a National Bureau or a Central Information Agency referred to in that Convention; and

(4) a National Bureau or a Central Information Agency regarding prisoners of war".

(ii) In sub-rule (2) the words "to the satisfaction of that Administration" shall be omitted.

(iii) in sub-rule (5)—

(a) in clause (c), the words "to the satisfaction of that Administration" shall be omitted.

(b) for the existing clause (i), the following shall be substituted namely:—

"where the insured article contained anything the transmission of which by the letter or the parcel post, as the case may be, is prohibited, provided that compensation shall not be inadmissible by reason only of the fact that an insured box or parcel contained any correspondence".

(c) in clause (j), for the words "by the customs on account of false declaration of its contents", the words "under any law for the time being in force in the country of destination" shall be substituted.

[No. C N.-18-12/52.]

*New Delhi, the 28th July 1953*

**S.R.O. 1488.**—In exercise of the powers conferred by the Indian Post Office Act, 1898 (VI of 1898), the Central Government hereby directs that the following further amendment shall be made in the Indian Post Office Rules 1933, namely:—

In the Note below rule 6 of the said Rules, for the words "At least 25 per cent. of all air mail fees shall be prepaid" the words "At least 75 per cent. of air mail fees shall be prepaid, otherwise the article will be sent by surface route" shall be substituted.

[No. CN-16-70/52.]

V. M. BHIDE, Dy. Secy.

## MINISTRY OF REHABILITATION

### ORDER

*New Delhi, the 15th July 1953*

**S.R.O. 1489.**—In exercise of the powers conferred by sub-section (1) of section 19 of the Evacuee Interest (Separation) Act, 1951 (LXIV of 1951), the Central Government hereby orders that all cases in respect of composite properties situated in the Districts mentioned in column 1 of the schedule hereto annexed shall stand transferred to Competent Officer mentioned in the corresponding entry in column 2 of the said schedule.

### SCHEDULE

Districts	Name of Competent Officer to whom cases are transferred
(1)	(2)
Tehsils Patiala and Rajpura of District Patiala & District Kandaghat.	Shri Om Prakash Sharma, Competent Officer, with headquarters at Patiala.
District Barnala, Tehsil Nabha of Distt. Patiala & District Fatehgarh Sahib.	Shri Harish Chander Gaur, Competent Officer, with headquarters at Nabha.
Tehsils Faridkot and Bhatinda of Bhatinda District.	Shri Hazura Singh, Competent Officer, with headquarters at Kapurthala.
District Kapurthala.	S. Jamman Singh, Competent Officer, with headquarters at Kapurthala.
Tehsil Mansa, Distt. Mohindergarh and Distt. Sangrur.	Shri Baldev Singh, Competent Officer, with headquarters at Sangrur.

[No. 52(5)/53-Prop.]

K. P. MISRA, Asstt. Secy.



**MINISTRY OF HEALTH***New Delhi, the 24th July 1953*

**S.R.O. 1490.**—It is hereby notified for general information that the following further amendment shall be made in the notification of the Government of India in the Ministry of Health No. F.16-3/51-P.H.(I), dated the 18th October, 1951, namely:—

For the **FIRST SCHEDULE** to the said notification the following **SCHEDULE** shall be substituted, namely:—

**"FIRST SCHEDULE**

1. Service Nacional de Febre Amarela, Brazil.
2. Institute de Estudios Carlos Finlay, Bogota, Colombia.
3. Wellcome Research Institution, London.
4. South African Institute for Medical Research, Johannesburg.
5. Pasteur Institute, Dakar (Senegal).
6. Instituut-Voor Tropische Hygiene, Amsterdam (Netherlands).
7. Pasteur Institute, Paris.
8. Commonwealth Serum Laboratories, Melbourne, Australia.

**NOTE.**—Although the production of yellow fever vaccine has been discontinued at the National Institute of Health (Rocky Mountain Laboratory), United States Public Health Service at Hamilton, Montana, and the Laboratories of the International Health Division, Rockefeller Foundation, New York, stocks of vaccine prepared by these Laboratories can be used for vaccination prior to the issue of international certificates of inoculation against yellow fever."

[No. F.18-1/53-P.H.(I).]

KRISHNA BIHARI, Asstt. Secy.

*New Delhi, the 27th July 1953*

**S.R.O. 1491.**—In pursuance of the provisions of clause (vi) of sub-section (2) of section 5 of the Drugs Act, 1940 (XXIII of 1940), the Central Government hereby nominates with effect from the 1st August, 1953, Dr. B. D. Kochhar, D.Sc., F.R.I.C., Government Analyst for the State of Punjab, as a member of the Drugs Technical Advisory Board.

[No. F.4-7/52-DS.(I).]

S. DEVANATH, Under Secy.

**MINISTRY OF TRANSPORT****MERCHANT SHIPPING***New Delhi, the 24th July 1953*

**S.R.O. 1492.**—In exercise of the powers conferred by section 273 of the Indian Merchant Shipping Act, 1923 (XXI of 1923), the Central Government hereby directs that the following further amendments shall be made in the notification of the Government of India in the Ministry of Transport No. S.R.O. 138, dated the 7th January 1953, namely:—

In the Schedule to the said notification, against section 273 the following entries shall be added, namely:—

<i>"Officers</i>	<i>Limits</i>
The Superintendent of Central Excise, Jamnagar Circle and Deputy Superintendent of Central Excise, Okha.	Beyt and Dwarka (Rupen).
The Superintendent of Central Excise, Junagadh and Deputy Superintendent of Central Excise, Veraval.	Kotda Madhwad and Kodinar (Mul Dwarka)".

[No. 72-M.A.(1)/50.]

*New Delhi, the 27th July 1953*

**S.R.O. 1493.**—In exercise of the powers conferred by section 21 of the Indian Merchant Shipping Act, 1923 (XXI of 1923), the Central Government hereby directs that the following amendment shall be made in the Rules regulating the grant of certificates of competency to engineers, published with the notification of the Government of India in the Ministry of Transport, No. S.R.O. 240, dated the 9th February, 1952, namely:—

In Appendix D to the said Rules under the heading "(1) Day Classes" and under sub-heading "Name of School or Institution", for the footnote in respect of the entry "India—Indian Mercantile Marine Training Ship 'Dufferin'", the following footnote shall be substituted, namely:—

"One third only, of the time to be counted, with maximum allowance of one year. In the case of the 1948 batch of engineer cadets, the two years' training received by them on board the Training Ship 'Dufferin' in conjunction with the special course received by them in Marine Engineering College, Calcutta, will count as equivalent to one year's workshop service".

[No. 67-MA(15)/53.]

S. K. GHOSH, Dy. Secy.

*New Delhi, the 25th July 1953*

**S.R.O. 1494.**—In exercise of the powers conferred by sub-section (3) of section 1 of the Road Transport Corporations Act, 1950, (LXIV of 1950), the Central Government hereby appoints the first day of August 1953, as the date from which the said Act shall come into force in the State of Saurashtra.

[No. 28-T(4)/52.]

R. S. BAHL, Under Secy.

## MINISTRY OF WORKS, HOUSING AND SUPPLY

*New Delhi, the 22nd July 1953*

**S.R.O. 1495.**—In exercise of the powers conferred by sub-section (1) of section 4 of the Inflammable Substances Act, 1952 (XX of 1952), the Central Government hereby directs that the following further amendment shall be made in the notification of the Government of India in the late Ministry of Works, Production and Supply No. M-102(43)/51, dated the 31st March, 1952, namely:—

In the Schedule to the said notification in item 3 for the words "and Tikamgarh" the words "Tikamgarh, the district of Panna, the district of Satna, the district of Sidhi, Beohari town in the district of Shahdol and Rewa town in the district of Rewa" shall be substituted.

[No. M-102(43)S&P.II/51.]

**S.R.O. 1496.**—In exercise of the powers conferred by section 4 and sub-section (1) of section 29 of the Petroleum Act, 1934 (XXX of 1934), as applied to the storage and transport of cinematograph films having nitrocellulose base by the notifications of the Government of India in the late Department of Labour No. Ex. 108, dated the 14th January, 1946, in the late Ministry of Works, Mines & Power No. M-II-104(3), dated the 24th January, 1951, and in the late Ministry of Works, Production and Supply No. M-128(9)(vi), dated the 18th May, 1951 and read with sections 4 and 5 of the Inflammable Substances Act, 1952 (XX of 1952), the Central Government hereby directs that the following further amendment shall be made in the Cinematograph Film Rules, 1948, the same having been previously published as required by sub-section (2) of the said section 29, namely:—

In clause (ii) of the second proviso to rule 18 of the said Rules, after the words "Railway Administration" the words "or the Postal Department" shall be inserted.

[No. M-108(2)/S&P.II/53.]

G. W. GIDWANI, Asstt. Secy.

**MINISTRY OF IRRIGATION AND POWER***New Delhi, the 1st August 1953*

**S.R.O. 1497.**—In pursuance of sub-section (2) of Section 36A of the Indian Electricity Act, 1910 (IX of 1910), the Central Government is pleased to nominate Shri T. Sivasankar, I.C.S., Secretary to the Government of India, Ministry of Irrigation and Power as Chairman of the Central Electricity Board *vice* Shri A. N. Khosla, I.S.E.

[No. EL.II-206(14).]

KAILASH CHANDRA, Under Secy.

**MINISTRY OF INFORMATION AND BROADCASTING***New Delhi, the 16th June 1953*

**S.R.O. 1498.**—In exercise of the powers conferred by clause (c) of section 6 of the Cinematograph Act, 1952 (XXXVII of 1952), the Central Government hereby directs that the exhibition of the film entitled 'Virgins of Bali' produced by Messrs. Imperial Distribution Corporation, New York (U.S.A.) and certified by the former Madras Board of Film Censors under certificate No. 2217, dated the 18th December 1950, shall be suspended for a period of two months from the date of this notification.

[No. 12/1/53-FIL.]

*New Delhi, the 29th July 1953*

**S.R.O. 1499.**—In exercise of the powers conferred by sub-section (2) of section 3 of the Cinematograph Act, 1952 (XXXVII of 1952), the Central Government hereby directs that the film entitled 'Sensualita' and its trailer of which Messrs. Paramount International Films Inc. of U.S.A. are the Sole Distributors shall be deemed to be uncertified films in the whole of India.

[No. 11/7/53-F.II.]

**S.R.O. 1500.**—Whereas it has been brought to the notice of the Central Government that the film entitled "Fall of Berlin" (coloured version in Russian with English sub-titles) in respect of which "U" certificate No. 5495, dated the 12th April, 1952, was granted to Messrs. Diamond Pictures Limited, Bombay by the Central Board of Film Censors, was exhibited at the Royal Opera House, Bombay, from the 14th November, 1952 to the 18th December, 1952 with the shots of "Churchill standing" the specification of which had been endorsed on the certificate by the said Board under sub-rule (2) of rule 27 of the Cinematograph (Censorship) Rules, 1951.

Now, therefore, in exercise of the powers conferred by section 6 of the Cinematograph Act, 1952 (XXXVII of 1952), the Central Government hereby directs that the said film shall be deemed to be an uncertified film in the whole of India.

[No. 20/33/52-F.I.]

A. N. BERY, Dy. Secy.

**MINISTRY OF NATURAL RESOURCES AND SCIENTIFIC RESEARCH***New Delhi, the 21st July 1953*

**S.R.O. 1501.**—*Corrigendum.*—In the Mineral Concession Rules, 1949, (corrected upto the 1st October 1952), on page 19 for class 12 in Schedule II annexed to the said Rules, read the following namely:—

"Class 12

Beryl

20 lbs."

[No. M.11-159(17).]

*New Delhi, the 29th July 1953*

**S.R.O. 1502.**—In exercise of the powers conferred by section 5 of the Mines and Minerals (Regulation and Development) Act, 1948 (LIII of 1948), the Central Government hereby directs that the following further amendments shall be made in the Mineral Concession Rules, 1949, namely:—

In the said Rules—

1. To rule 14, after clause (e), the following shall be added, namely:—

*“Explanation.*—The map or plan referred to in item (c) should give sufficient information for the purpose of identification of the area of the land in respect of which the license is required.”

2. (1) Rule 18 shall be renumbered as sub-rule (1) of that rule and to the sub-rule as so renumbered the following proviso shall be added, namely:—

*“Provided that where more than one application in respect of the same land is received on the same day the State Government, after taking into consideration the matters specified in sub-rule (2) and after obtaining the prior approval of the Central Government, may grant the prospecting license to such one of the applicants whom it considers to be the most suitable.”*

- (2) After sub-rule (1) as so renumbered the following sub-rule shall be inserted, namely:—

*“(2) The matters referred to in the proviso to sub-rule (1) shall be the following, namely:—*

- (i) experience of the applicants in prospecting;
- (ii) financial soundness and stability of the applicants;
- (iii) special knowledge of geology or mining and the technical staff already employed or to be employed for the work.”

3. In rule 20, after item 16, the following items shall be added, namely:—

*“(17) date of expiry or relinquishment or cancellation.*

*(18) Date from which the area is available for regrant.”*

4. To rule 27, the following Explanation shall be added at the end, namely:—

*“Explanation.*—The map or plan referred to in item (c) should give sufficient information to enable identification of the area in respect of which the lease is required.”

5. (1) Rule 32 shall be renumbered as sub-rule (1) of that rule and to the sub-rule as so renumbered the following proviso shall be inserted, namely:—

*“Provided that where more than one application in respect of the same land is received on the same day, the State Government, after taking into consideration the matters specified in sub-rule (2) and after obtaining the prior approval of the Central Government, may grant the mining lease such one of the applicants whom it considers to be the most suitable.”*

- (2) After sub-rule (1) as so renumbered the following sub-rule shall be inserted, namely:—

*“(2) The matters referred to in the proviso to sub-rule (1) shall be the following, namely:—*

- (i) experience of the applicants in mining,
- (ii) financial soundness and stability of the applicants,
- (iii) special knowledge of geology or mining and the technical staff already employed or to be employed for the work.”

6. After rule 65 the following rules shall be inserted, namely:—

*“66. Preference as between applications for prospecting licence and mining lease.*—Where applications for both a prospecting licence and a mining lease for the same land are received on the same day the application for a mining lease shall not have any preference over the application for a prospecting licence except in the case of an area, which was held and worked under a mining lease previously.”

67. *Availability of areas for regrant to be signified by entry in Standard Register.*—No area which was previously held under a prospecting

license or a mining lease shall be treated as available for regrant, unless an entry to that effect has been made in standard register. The date from which the area shall be treated as available for regrant, shall be notified in the Official Gazette of the State at least 30 days in advance.

*Explanation.*—For the purpose of this rule, the registers required to be maintained under rules 20 and 33 shall be deemed to be Standard Registers.

68. *Premature applications.*—Applications for grant of a prospecting licence or a mining lease in respect of areas which have been previously held under a prospecting licence or a mining lease but in respect of which there is no entry in the Standard Register as provided in rule 67 shall be deemed to be premature and shall be disposed of by the State Government accordingly. The fee paid shall be refunded."

[No. MII-152(103).]

T. GONSALVES, Dy. Secy.

### MINISTRY OF LABOUR

*New Delhi, the 22nd July 1953*

**S.R.O. 1503.**—In pursuance of sections 3 and 4 of the Employees' State Insurance Act, 1948 (XXXIV of 1948), the Central Government hereby directs that the following further amendment shall be made in the notification of the Government of India in the Ministry of Labour, No. SS.21(2)A, dated the 6th September, 1948, namely:—

For item (3) of the said notification, the following item shall be substituted, namely:—

"(3) Shri K. N. Subramanian, I.C.S., Secretary to the Government of India, Ministry of Labour."

[No. SS.121(53).]

**S.R.O. 1504.**—In pursuance of clause (a) of section 8 of the Employees' State Insurance Act, 1948 (XXXIV of 1948), the Central Government hereby directs that the following further amendment shall be made in the notification of the Government of India in the Ministry of Labour, No. S.S. 121(51), dated the 7th July, 1951, namely:—

For item (1) of the said notification, the following item shall be substituted, namely:—

"(1) Shri K. N. Subramanian, I.C.S., Secretary to the Government of India, Ministry of Labour."

[No. SS.121(51).]

K. N. NAMBIAR, Under Secy.

*New Delhi, the 25th July 1953*

**S.R.O. 1505.**—In exercise of the powers conferred by section 15 read with clause (b) of section 2 of the Industrial Employment (Standing Orders), Act, 1946 (XX of 1946), the Central Government hereby directs that the following further amendment shall be made in the Industrial Employment (Standing Orders) Central Rules, 1946, the same having been previously published as required by sub-section (1) of the said section 15, namely:—

In form I of Schedule II to the said Rules, the words "Central Government" shall be omitted.

[No. IR.11(98).]

*New Delhi, the 28th July 1953*

**S.R.O. 1506.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the matter of an application under

Section 33A of the said Act, from Shri Jagoo Rajwar, Working Miner's Sirdar of the Lakurka Colliery, Katrasgarh.

### CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT DHANBAD

APPLICATION No. 33 OF 1953

(Arising out of Reference No. 6 of 1952)

In the matter of an application U/S 33A of Industrial Disputes Act 1947

**PRESENT:**

Shri L. P. Dave, B.A., LL.B.—*Chairman.*

**PARTIES:**

Jagoo Rajwar "Working Miner's Sirdar", represented by S. B. Sen, General Secretary, East Indian Coal Company Workers' Union, P.O. Jealgora (Manbhum).—*Applicant.*

*Versus*

Messrs. Lakurka Coal Co. Ltd., Lakurka Colliery, P.O. Katrasgarh, Manbhum.—*Opposite Party.*

**APPEARANCES:**

Shri B. N. Sharma, General Secretary, Tata Collieries Labour Association, Jamadoba, P.O. Jealgora, Manbhum.—*For the Applicant.*

Mr. A. Z. Abdi, Prov. Fund in-Charge, Lakurka Colliery, P.O. Katrasgarh, Manbhum.—*For the Opposite party.*

### AWARD

This is an application under Section 33A of Industrial Disputes Act 1947.

2. The applicant, who filed the above application alleges that Reference No. 6 of 1952 is pending before this Tribunal and in that Reference, the opposite party and their workmen are parties. During the pendency of the said reference, the Superintendent of the opposite party discharged the applicant from service on 26th January 1953 without express permission in writing from the Tribunal and hence this application.

3. The opposite party contended that the applicant was not discharged from service on 26th January 1953 or on any other date; that they had to close their pit No. 6 for sinking purposes and therefore they informed all the miners and the miners' sirdars including the applicant by a letter dated 18th January 1953 that they should work in pit No. 8 from 26th January 1953. All other miners' sirdars except the applicant started working in pit No. 8 but the applicant refused to accept the above letter which was tendered to him and on 26th January 1953 he intentionally absented himself without giving any intimation and also prevented his miners from working. Thus the applicant absented himself from duty and was not either discharged or dismissed. The opposite party therefore urged that the application should be dismissed.

4. It is an admitted fact that in Reference No. 6 of 1952 pending before this Tribunal, the opposite party and their workmen are parties. The opposite party therefore could not discharge or dismiss a workman without the express permission of this Tribunal. The applicant alleged that he was discharged from service on 26th January 1953 and thereby the opposite party committed a breach of Section 33 of the Act and hence he has filed the present application. The opposite party, on the other hand, contended that the applicant was neither discharged nor dismissed but he absented himself from duty from 26th January 1953.

5. The question for my consideration therefore is whether the applicant was dismissed or discharged by the opposite party or whether he absented himself from duty from 26th January 1953. For this, we have the evidence of the applicant himself, who has stated that he went to work in the colliery as usual on 26th January 1953 but the Superintendent of the Colliery asked him to go away. He has denied that he refused to go to work or that he deliberately remained absent. There is no reason to disbelieve him. There is no evidence to the contrary. No one has been examined on behalf of the opposite party to deny the above allegations or to prove that the applicant absented himself from duty from 26th January 1953.

6. I may mention that I fail to understand why a workman, who has been working in a colliery and for whom this is the only work, should all of a sudden

stop working or absent himself without intimation. According to the opposite party, they had to close pit No. 6 and thereupon they asked all the workmen to work in pit No. 8 from 26th January 1953. It is alleged that they addressed a letter to all the miners' sirdars including the present applicant and that whereas other sirdars accepted that letter and began to work in pit No. 8, the applicant refused to take delivery of the above letter and refused to work in pit No. 8. The applicant denies that any letter was given to him by the management as alleged by them. It is no doubt true that the opposite party has produced its peon book which bears an endorsement that the applicant had refused to accept one letter on 20th January 1953; but the person who made this endorsement or the person who is alleged to have tendered the letter to the applicant has not been examined. In the circumstances, the allegation about the letter being tendered to the applicant cannot be held proved. As I said above, I cannot understand why a person who was working all along and for whom this was the only source of livelihood should refuse all of a sudden to do any work or to remain absent from duty.

7. In this connection, I may mention that if what the opposite party alleges is true, namely that the applicant remained absent from duty from 26th January 1953, they would have sent a letter to him asking him to join immediately. They would have sent him a chargesheet for wilful absence from duty but they did not do anything of that sort. On the other hand, I find that the applicant addressed a letter to the management on 21st February 1953 stating that he had been unemployed from 26th January 1953 and should be given work. Even before this, he appears to have written a letter on 13th February 1953. No reply whatsoever was given by the management to these letters. The applicant thereupon sent a letter on 5th March 1953 to the Regional Labour Commissioner, complaining about the action of the management in stopping his work and sent a copy of this letter to the management. When the management found that the applicant was moving the authorities in the matter, they sent him a reply on 6th March 1953. This attitude on the part of the management shows that they were not prepared to employ or to continue the applicant in employment and they had deliberately refused to allow him to work from 26th January 1953 and had not cared to reply to his letters and it was only when the applicant moved the authorities in the matter that the management put forward the excuse that the applicant had deliberately absented himself. The applicant again wrote to the management on 11th March 1953 in reply to their letter of 6th March 1953 stating that he had already sent three letters to the management which were received by their office on 14th February 1953, 23rd February 1953 and 6th March 1953 respectively, and that he had never received any letter offering him a job at any other place when pit No. 6 was closed and that he was even then ready and prepared to work along with his miners. To this, the management replied that they had nothing to add to what they had already said. This would mean that the applicant had written two letters soon after 26th January 1953 to the management complaining of his discharge but the management did not care to reply thereto. Their allegation that the applicant absented himself from duty was made for the first time when the applicant wrote a letter to the Regional Labour Commissioner. When the applicant was informed that the management had offered him a job, he denied the allegation and showed his willingness even then to join; but the management was not prepared to accept him. I may repeat that it does not appear to be natural that a workman should all of a sudden stop attending a colliery without any reason when this was his only source of livelihood.

8. I am not here referring to the allegations and counter-allegations made by the parties regarding allowing the applicant to work in the colliery during the pendency of this application. On 14th May 1953, the opposite party stated before this Tribunal that they were ready and willing to allow the applicant to work as a working miner sirdar along with three particular miners mentioned therein. It is alleged on behalf of the opposite party that in spite of this, the applicant never went to the colliery to work while the applicant alleges that he went there to work, but was not allowed to work and that is why he had to go away. Letters were written by each party to the other, making allegations as stated above. There is no evidence in support of the allegations of either party. I am not referring to this point, because these events occurred during the pendency of this application and are not relevant for deciding the present application; but looking to the facts as they happened on 26th January 1953, I am inclined to accept the allegations made by the workman and not those of the management.

9. I am thus satisfied that the applicant was stopped by the management from working from 26th January 1953 which amounted to a discharge or dismissal without any notice or charge-sheet. I do not believe that he absented

himself from work as alleged by the management. I therefore hold that the management must reinstate him with payment of back wages.

10. Before closing, I may mention that in the written statement, a point has been made out that without a regular reference from the Government, the relief claimed for by the applicant would be beyond the scope of this application. Though this point was not urged at the time of hearing, I may mention that Section 33A of the Industrial Disputes Act 1947 lays down that if an employer contravenes the provisions of Section 33 of the Act, any employee aggrieved by such contravention may make a complaint to the Tribunal and thereupon the Tribunal should adjudicate upon the complaint as if it were a dispute referred to or pending before it in accordance with the provisions of the Act and shall submit its award to the Government. In other words, when there is an application under Section 33A, it is as good as a regular reference from the Government and the Tribunal has to adjudicate upon it and pass its award. That being so, I hold that the Tribunal has power to order reinstatement of the applicant, in these proceedings.

11. In the result, I pass the following award:—

#### AWARD

The applicant is ordered to be reinstated in service with effect from 26th January 1953 and should be paid all his wages including dearness allowance and other benefits as if he was in service all along. This should be done within one month from the date when this award becomes enforceable. The wage should be calculated on his average earnings during three months before 26th January 1953.

10th July 1953.

(Sd.) L. P. DAVE, Chairman,

Central Government Industrial Tribunal, Dhanbad

[No. LR.2(365).]

**S.R.O. 1507.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the matter of an application under Section 33A of the said Act, from Shri Chediram and others of the Bhadu incline of Serampore Colliery.

#### CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT DHANBAD

APPLICATION No. 61 OF 1953

(Arising out of Reference No. 6 of 1952)

Application U/S 33A of Industrial Disputes Act 1947

#### PRESENT:

Shri L. P. Dave, B.A., LL.B.—Chairman.

#### PARTIES:

Chediram & Others c/o Gen. Secretary, Hazaribagh Dist., Coal Mazdoor Union, Giridih.—Applicants.

*Versus*

Chief Mining Engineer, Railway Board, 1, Council House St., Calcutta.—Opposite Party.

#### APPEARANCES:

Dr. Prakriti Bhushan Gupta, General Secretary, Hazaribagh District Coal Mazdoor Union, Giridih, Dist. Hazaribagh.—For the Applicants.

Shri S. N. Sahgal, Coal Superintendent, c/o Chief Mining Engineer, Railway Board, 1, Council House Street, Calcutta.—For the Opposite Party.

#### AWARD

This is an application under Section 33A of the Industrial Disputes Act 1947

2. The applicants allege that the opposite party has issued notice of discharge to 231 workmen stopping work from 1st April 1953 without obtaining any permission from the Tribunal, though Reference No. 6 of 1952 is pending between



the opposite party and their workmen. They therefore ask for passing of proper orders in the matter.

3. The opposite party contended that the application was not legally maintainable as it was not filed by all the aggrieved workmen; that the opposite party had not contravened the provisions of Section 33A of the Industrial Disputes Act 1947; that the opposite party has already received express permission from the Labour Appellate Tribunal of India to retrench the workmen and that no permission is therefore necessary; that the application is not therefore maintainable in law or in fact under the Industrial Disputes Act 1947.

4. It is an admitted fact that Reference No. 3 of 1952, relating to a dispute between 1078 collieries mentioned therein and their workmen is pending before this Tribunal. It is also an admitted fact that the Railway collieries are included in these 1078 collieries. During the pendency of this Reference, the opposite party has discharged 184 workmen including the present applicants who were all working in the Bhadua incline of Serampore Colliery. The applicants have therefore filed the present application under Section 33A of the Industrial Disputes Act 1947.

5. The first contention raised on behalf of the opposite party is that this application is not maintainable as it is not filed by all the workmen who had been discharged by the opposite party. When an employer discharges a workman or workmen in contravention of Section 33 of the Act, every discharged workman has an individual and personal right to make an application to the Tribunal under Section 33A of the Act, and the application under Section 33A has therefore to be signed by the workmen making it. In other words, a right to make an application under Section 33A is a personal and individual right and not a collective one. It would be open to some workmen to make an application or applications; while others may choose not to do so or to waive their right. Merely because the present application is made only by eight of the workmen out of 231 though actually 231 workmen are said to have been discharged, it would not mean that the application of these eight workmen is not maintainable. Of course, I cannot consider it as on behalf of all workmen, nor grant a relief to all workmen; but I can consider it, as made by the eight workmen, and consider their grievance, and if proper, give relief to them. In my opinion, the present application is proper.

6. The second contention raised on behalf of the opposite party is that they have not contravened the provisions of Section 33, because they had already obtained permission of the Labour Appellate Tribunal of India for discharging the workmen of the Bhadua incline by stages. In this connection, it is an admitted fact that a dispute between the opposite party and their workmen regarding grainshop concessions was referred to this Tribunal and it was registered as Reference No. 7 of 1950 and an award was passed in that case by my learned predecessor on 7th March 1951. Against this award, two appeals were filed on behalf of two different labour unions before the Labour Appellate Tribunal of India, Calcutta. They were registered as Cal. Appeal No. 148/51 and Cal. Appeal 186/51. It is also an admitted fact that during the pendency of these appeals, the opposite party wanted to discharge the workmen employed in the Bhadua incline on the ground that coal in the said mine would be exhausted by about 15th June 1952 and hence the management made an application under Section 33 of the Act before the Labour Appellate Tribunal. The workmen of the Bhadua incline denied that the same mine was almost exhausted. After considering the facts, the Labour Appellate Tribunal granted permission on 12th June 1952 to the employer to discharge the workmen employed in that mine on certain conditions. The opposite party now contends that as the applicants were workmen working in the Bhadua incline, and were discharged on the above grounds, no permission of this Tribunal was necessary; because permission had already been obtained from the Labour Appellate Tribunal in the above case. I am unable to agree with this contention.

7. As I said above, the matter which was pending before the Labour Appellate Tribunal of India was an appeal arising from an award passed by this Tribunal in Reference No. 7 of 1950. The applicants contend that the permission of this Tribunal should have been taken because of the pendency of Reference No. 6 of 1952. Reference No. 7 of 1950 and Reference No. 6 of 1952 are two distinct matters relating to different subjects. An appeal arising from Reference No. 7 of 1950 was pending before the Labour Appellate Tribunal of India. At the same time, another reference (No. 6 of 1952) was pending before this Tribunal; and in my opinion the management could not discharge any workman without the permission of both the Tribunals before whom different matters were pending at the time. In this connection, I was referred to an award of the Bombay

Labour Tribunal reported at 1951, Vol. II, L.L.J. page 819; "Blue Star Industries Limited and Sri Raymond Rodrigues," where it was held that if two proceedings were pending, one before the Tribunal and another before a Conciliation Officer, the permission of one of them would be enough and if that was obtained, there would be no contravention of Section 33 of the Act. With great respect, I do not agree with this view. When there are different proceedings on different subjects before different Tribunals, different considerations may arise before permission may be granted under Section 33 of the Act. Merely because permission is obtained from one Tribunal, it could not be said that no permission was necessary from the other Tribunal. It may be that there may be other materials and other considerations which could be available and could be urged in one matter and that those could not be available or urged in the other. So far as Reference No. 6 of 1952, was concerned, that Reference was pending before this Tribunal and hence during the pendency of that Reference, the employer could not discharge a workman without the permission in writing of this Tribunal. I would therefore hold that merely because the Labour Appellate Tribunal of India granted permission to the employer to discharge the workmen in another matter pending before it, it could not mean that the employer was not bound to obtain the permission of this Tribunal.

8. I may then mention that the workmen in the present case were discharged on or about 1st April, 1953. The above appeals in which the above permission was granted were decided on 18th August, 1952. Permission that was granted by the Labour Appellate Tribunal of India came to an end on 11th August 1952, when the appeal was decided. After 11th August, 1952, there were no proceedings pending before the Labour Appellate Tribunal of India; on the other hand, a proceeding (namely Reference No. 6 of 1952) was pending before this Tribunal. That being so, if the employer wanted to discharge any workman after 11th August 1952, he had no right to do so without obtaining the permission of this Tribunal. In any case, therefore, I hold that the employer has contravened the provisions of Section 33 of the Act in discharging the present applicants.

9. The question then is as to what order I should pass in the present case. Dr. Gupta, who appeared on behalf of the applicants, fairly conceded before me that he could not ask for the reinstatement of the applicants, because due to the closure of the mine, there was no work for them, and he could not complain about their discharge. He, however, urged they should have been given benefits of gratuity, notice pay, etc. In my opinion, this contention must be accepted.

10. The present applicants were working in the Bhadua incline which is a mine belonging to the Indian Railways. It may be noted here that in 1949, the Government of India appointed a Railway Enquiry Committee which recommended the retrenchment of surplus labour in railway collieries. Subsequently a Fact Finding Committee was appointed and it recommended the total labour force that should be retrenched from each colliery. The Government of India, after examining the report and recommendations of the Committee, decided to retrench a certain number of labourers; and in doing so, it decided that the retrenched workmen should be paid one month's wages including the value of house accommodation, light, water, medical attendance, etc. in lieu of one month's notice in case of employees who were in continuous employment for not less than one year. It also decided that gratuity should also be paid at the rate of not less than 15 days average pay for each completed year of service or part thereof in excess of six months. A letter was accordingly written by the Deputy Secretary to the Government of India, Ministry of Production, to the Coal Commissioner, Calcutta. A copy of this letter has been produced in this case by Dr. Gupta. Dr. Gupta urged that the applicants should have been given benefits in accordance with this decision of the Government. I think that this is fair and reasonable. A workman who has been working in an industrial concern and has to be discharged on account of retrenchment should be given some relief. In the present case, the Government is the employer because it owns the railway collieries. It has actually decided and ordered the Coal Commissioner to make certain payment to the workmen who were to be discharged due to retrenchment. It may be that the present workmen are not discharged as a result of the scheme of general retrenchment; but their case was included in the above order of the Government because under the report of the Committee appointed by the Government of India, they were surplus workmen and had to be discharged. Merely because they happened to be discharged earlier because work of the particular mine is closed earlier, it would not be proper to deprive them of the benefits which the Government had decided to give to all the retrenched workmen. In fairness to them, they must be given the same benefits which are recommended or rather which are decided by the Government to be paid to the other workmen who are to be retrenched. The principle governing their case would be the same.

11. In the result, I pass the following award.

#### AWARD

The applicants should be paid notice pay, gratuity etc. as mentioned in paragraph 3 of the letter from the Government of India, Ministry of Production, No. C.2-14(5)/52, dated 26th December, 1952, addressed to the Coal Commissioner, Calcutta. This should be done within one month from the date this award becomes enforceable.

The 16th July, 1953.

(Sd.) L. P. DAVE, Chairman,  
Central Government's Industrial Tribunal  
Dhanbad.

[No. L.R.2(385)I.]

P. S. EASWARAN, Under Secy.

New Delhi, the 28th July 1953

**S.R.O. 1508.**—In pursuance of clause (a) of sub-paragraph (1) of paragraph 3 of the Employees' Provident Funds Scheme, 1952, published with the notification of the Government of India in the Ministry of Labour No. S.R.O. 1500, dated the 2nd September, 1952, the Central Government hereby nominates Shri K. N. Subramanian, I.C.S., Secretary to the Government of India, Ministry of Labour, as Chairman of the Central Board of Trustees of the Employees' Provident Fund constituted by the notification of the Government of India, in the Ministry of Labour No. S.R.O. 1861, dated the 31st October, 1952, vice Shri V. K. R. Menon, I.C.S.

[No. P.F. 516(3).]

N. M. PATNAIK, Dy. Secy.

#### CORRIGENDA

New Delhi, the 1st August 1953

**S.R.O. 1509.**—(I) In the notification of the Government of India in the Ministry of Labour No. PF.516(10) published as S.R.O. 1279, dated the 20th June 1953 printed on page 945 of Part II, Section 3 of the *Gazette of India*, dated the 27th June, 1953—

Against items (2) and (3)

- (i) for the word "Centarl" the word "Central" shall be substituted.
- (ii) the word "of" shall be inserted after the word "recommendation".

[No. PF.516(10).]

**S.R.O. 1510.**—(II) In the Notification of the Government of India in the Ministry of Labour No. PF.516(10) published as S.R.O. 1281, dated the 20th June 1953 printed on page 946 of Part II, Section 3 of the *Gazette of India*, dated the 27th June 1953—

Against item (8), for the entry "Shri R. H. Kolte" the entry "Shri H. R. Kalte" shall be substituted.

[No. PF.516(10).]

**S.R.O. 1511.**—(III) In the Notification of the Government of India in the Ministry of Labour No. PF.516(10) published as S.R.O. 1380, dated the 11th July, 1953, printed on page 992 of Part II, Section 3 of the *Gazette of India*, dated the 11th July, 1953—

Against items (7) to (9), for the word "employers" the word "employees" shall be substituted.

[No. PF.516(10).]

S. RANGASWAMI, Asstt. Secy.

